

Appl. No. 09/994,091
Amdt. dated July 7, 2005
Reply to Office action of May 10, 2005

REMARKS

In the above-identified Office Action, the Examiner rejected all Claims, 1-21, under 35 U.S.C. §103(a) for being obvious to one of ordinary skill in the art. Applicant has carefully reviewed all of the Examiner's comments and requests reconsideration upon review of these remarks. Applicant anticipates the Claims will be allowed in the next action.

Claims 1-5 and 7 stand rejected under 35 U.S.C. 103(a) as being allegedly obvious over Guth et al. (US Patent 5,599,758) in view of Wintrell (US Patent 4,153,426). The Examiner asserts that it would have been obvious to one of ordinary skill in the art to use the synthesis gas taught by Wintrell for the regeneration gas taught by Guth et al.

If one of ordinary skill in the art had attempted to use the synthesis gas to regenerate an absorber catalyst they would have been frustrated, since this experiment would have failed. Synthesis gas as released from the teachings of Wintrell is too high in sulfur content to be directly utilized in the regeneration of an absorber catalyst as taught by Guth. These references fail to disclose all the elements necessary to successfully carryout the invention, thereby failing one of the requirements for an obviousness rejection.

Additionally, for an obviousness rejection to hold, one of the references must contain an incentive or motivation to combine it with the other reference. A careful line-by-line review of Guth et al. reveals no such motivation. In fact, the only reference Guth et al. makes regarding the source of the regeneration gas is (column 2, lines 42-44) "It is a particular feature of the invention that the gases used in the regeneration are low cost and readily available". This statement actually teaches away from the use of synthesis gas as taught by Wintrell as a regeneration gas since the synthesis gas of Wintrell is neither low cost nor readily available.

Applicant respectfully submits that for the reasons cited, the combination of Guth et al. and Wintrell are improper and result from a motivation to combine found only in Applicant's disclosure, and therefore the rejection should be withdrawn. Accordingly independent Claim 1 is allowable, and since by definition a claim that depends upon an allowed independent claim is also allowable, Claims 2-19 as written are also allowable for at least this reason.

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Claim 6 stands rejected under 35 U.S.C. 103(a) as allegedly being obvious over Guth et al. (US Patent 5,599,758) in view of Wintrell (US Patent 4,153,426) and further in view of Campbell (US Patent 5,451,558). The Examiner asserts that it would have been obvious for one skilled in the art to combine the high surface area catalyst mounting structure teachings of Campbell et al. to the regeneration process taught by Guth et al. with the synthesis gas taught by Wintrell.

If one of ordinary skill in the art had attempted to use the catalyst mounting structure taught by Campbell in the regeneration process taught by Guth et al. with the synthesis gas taught by Wintrell to regenerate an absorber catalyst, they would have been frustrated, since this experiment would have failed. The synthesis gas would still be too high in sulfur content to be useful as a regeneration gas. Additionally, Campbell has added nothing to bolster the combination of Guth et al. with Wintrell. Therefore, there is no motivation to combine Campbell with Guth et al. and Wintrell either, making rejection of Claim 6 improper.

Claims 8 and 9 stand rejected under 35 U.S.C. 103(a) as allegedly being obvious over Guth et al. (US Patent 5,599,758) in view of Wintrell (US Patent 4,153,426) and further in view of Courty et al. (US Patent 4,088,736). The USPTO asserts that it would have been obvious to one of ordinary skill in the art to use the teachings of Courty et al. to remove acid from the synthesis gas taught by Wintrell for use as a regeneration gas as taught by Guth et al.

Had one of ordinary skill in the art attempted to first use the Courty et al. process to remove acid from the synthesis gas taught by Wintrell, then use the synthesis gas to regenerate a catalyst absorber as taught by Guth et al. the experiment would have failed. Combining these processes does not remove enough sulfur from the gas for it to function properly as a regeneration gas. These references do not teach enough, for one of ordinary skill in the art, to have a reasonable expectation of success, thereby falling short of one of the requirements for an obviousness rejection. This in addition to the arguments made related to the primary combination of Guth et al. with Wintrell, renders the obviousness rejection improper. Accordingly, Claims 8 and 9 are not obvious and are allowable over Guth et al., Wintrell and Courty et al. Additionally, Claims 10-14, which depend upon Claim 8, are also allowable.

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Claims 10-21 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Guth et al. (US Patent 5,599,758) in view of Wintrell (US Patent 4,153,426) and Courty et al. (US Patent 4,088,736) and further in view of Debbage et al. (US Patent 5,762,885). Concerning Claims 10-13, the Examiner asserts that, it would have been obvious to one of ordinary skill in the art to use the shift reactor and shift catalyst teachings of Debbage et al. to process the gas from the Courty et al. taught process which was used on the synthesis gas taught by Wintrell for use as a regeneration gas as taught by Guth et al.

Applicant respectfully submits that for the reasons stated earlier; the combination of Guth et al. with Wintrell do not teach all elements necessary for success, and that they do not provide motivation to combine with each other, Claim 1 is allowable. And since Claims 10-19 depend upon Claim 1, they are also allowable. Similarly, Claim 20, which, also requires the combination of Guth et al. with Wintrell is allowable, as is Claim 21 which depends upon Claim 20.

Further, this rejection relies on four independent references teaching independent things that have been puzzled together by the Examiner in a mosaic where the only mortar to hold them together is found in Applicant's specification. Applicant is certain the Examiner is aware that such a rejection may not properly be maintained.

Applicant respectfully requests reconsideration of the present application and earnestly solicits allowance hereof in the next action.

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Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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Date: July 7, 2005